

**Notice of Allowability**

Application No.

09/739,392

Examiner

Donald L. Storm

Applicant(s)

BRENNAN ET AL.

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RESPONSE UNDER 37 C.F.R. 1.111 filed August 30, 2007.
2. ☒ The allowed claim(s) is/are 1,3-6 and 8-23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## DETAILED ACTION

### *Allowable Subject Matter*

1. Claims 1, 3-4, 5, 6, 8-10, 11-14, 15-18, 19-20, 21, 22, and 23 are allowed. The claims have been renumbered for printing to be claims 1, 2-3, 4, 10, 11-13, 15-18, 5-8, 19-20, 9, 14, and 21.

### *Response to Arguments*

2. The prior Office action, mailed May 30, 2007, objects to the specification and claims, and rejects claims under 35 USC § 102 and § 103, citing Ittycheriah alone and with others. The Applicant's arguments and changes in RESPONSE UNDER 37 C.F.R. 1.111, filed August 30, 2007, have been fully considered with the following results.

3. With respect to objection to the specification as lacking proper antecedence for claimed matter, the changes entered by amendment claim subject matter that can be identified in the specification. Accordingly, the objection is removed.

4. With respect to objection to those claims needing clarification, the amendment provides clear descriptions of the claimed subject matter. Accordingly, the objections are removed.

5. With respect to rejection of claims 6-10 and 22 under 35 USC § 102 and § 103, citing Ittycheriah alone and in combination, the changes entered by amendment include a customized status summary presented in addition to a customized profile that comprises user-defined functions. The reference Ittycheriah does not explicitly describe that limitation. The whole structure and interaction expressed by the combination of all limitations is not made obvious by comparison to the prior art of record for the whole invention of the claim 6, particularly with

presenting them via a customized speech based user interface. In the reference Ittycheriah, only the functions that are available to the user when the user is logged on and their associated elements are customized and are presented. Accordingly, the rejections are removed. With respect to rejection of claim 7, the rejection no longer applies because the claim has been canceled. The Applicant's assertions with respect to the references have been considered, but they are moot in view of the new claim element.

6. With respect to rejection of claims 11-14, 19, 20, and 23 under 35 USC § 102 and § 103, citing Ittycheriah alone and in combination, the changes entered by amendment include each profile of a profile database having user-defined functions and customizable status summaries associated with it and means permitting customization of the functions and the status summaries.

The reference Ittycheriah does not explicitly describe that limitation. The whole structure and interaction expressed by the combination of all limitations is not made obvious by comparison to the prior art of record for the whole invention of the claim 11, particularly with a speech based user interface for presentation of on the profiles. In the reference Ittycheriah, only the functions and their associated elements are customizable when the list is presented that is associated with the user. Accordingly, the rejections are removed. The Applicant's assertions with respect to the references have been considered, but they are moot in view of the new claim element.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L. Storm, of Division 2626, whose telephone number is (571) 272-7614. The examiner can normally be reached on weekdays between 7:00 AM and 3:30 PM Eastern Time. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Inquiries regarding the status of submissions relating to an application or questions on the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 571-272-4100 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at: [ebc@uspto.gov](mailto:ebc@uspto.gov). For general information about the PAIR system, see <http://pair-direct.uspto.gov>. If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

September 21, 2007

/Donald L. Storm/

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Primary Patent Examiner  
Division 2626